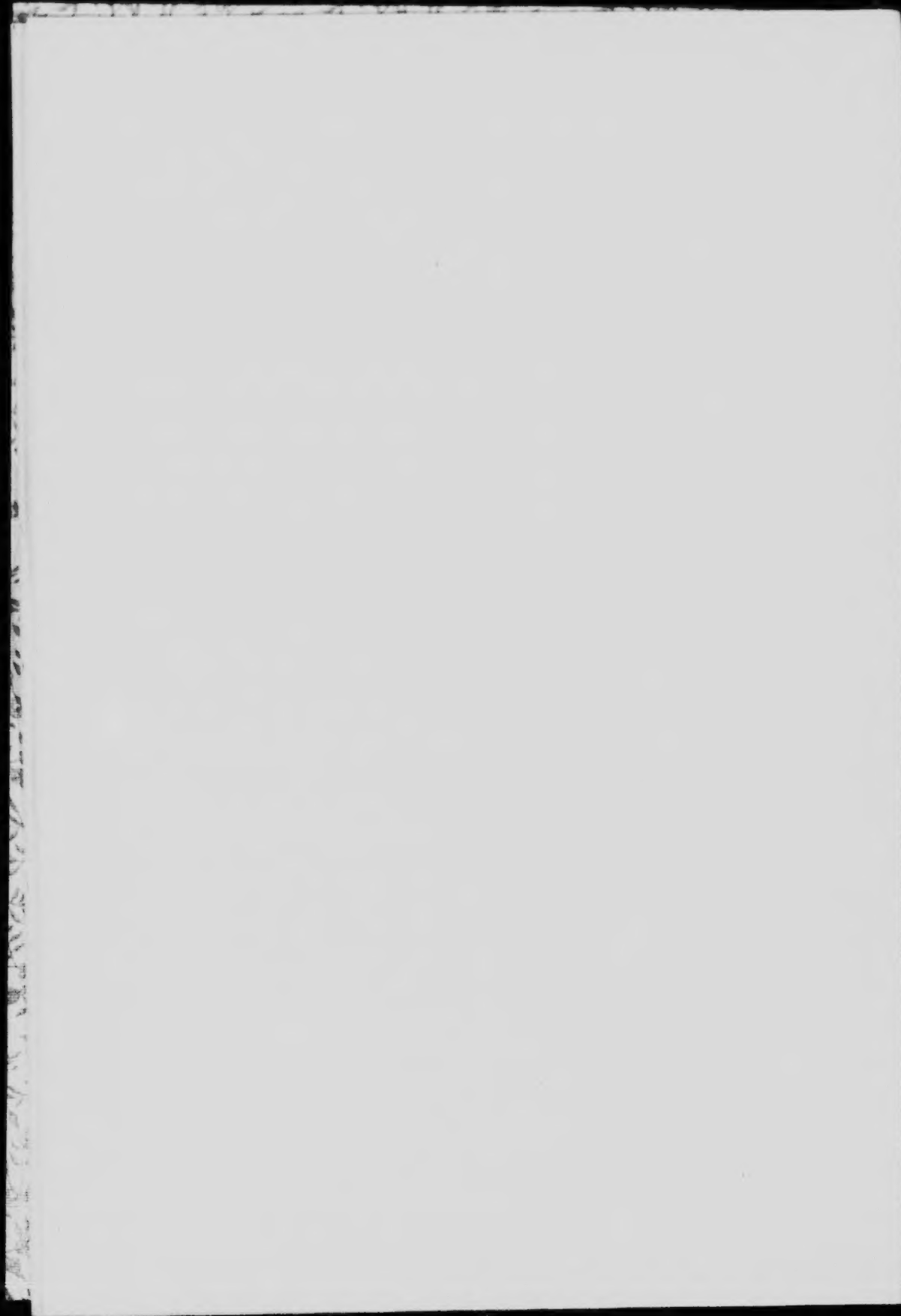


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CRUSTULA JURIS



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Crustula Juris

BEING A COLLECTION
OF LEADING CASES ON CONTRACT
DONE INTO VERSE

By
MARY E. FLETCHER
AND
BERNARD WALLACE RUSSELL

WITH A PREFACE BY HUMPHREY MELLISH, K.C.,
AND INTRODUCTION BY MR. JUSTICE RUSSELL

“ * * * Ridentem dicere verum
Quid vetat? ut pueris olim dant crustula blandi
Doctores, elementa velint ut discere prima.”

—HORACE, 1st Satire.

TORONTO
THE CARSWELL COMPANY, LIMITED.

1915

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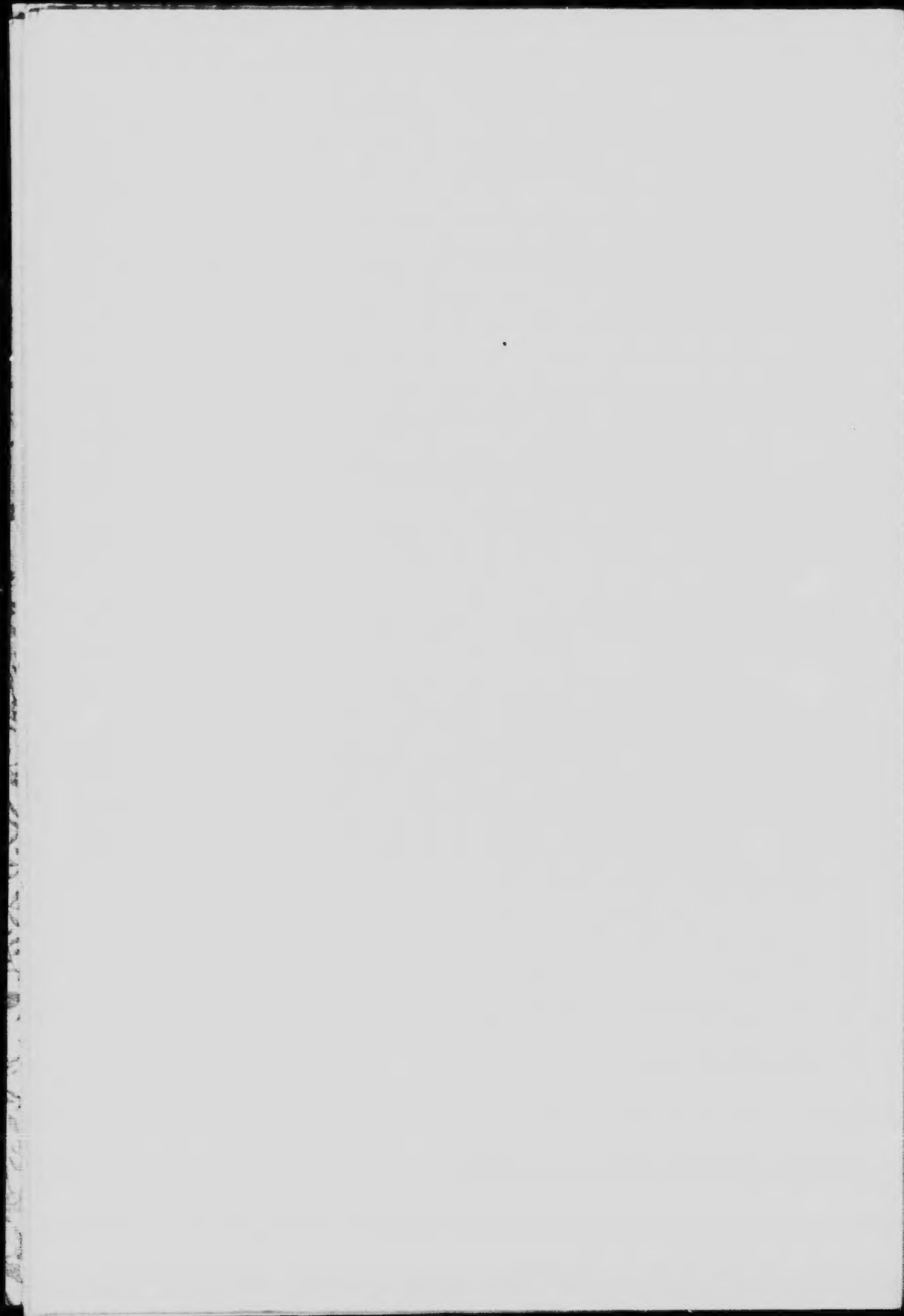
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FOREWORD

The following collection of rhymes will be read, if at all, for the most part by lawyers and students of the law. Though perhaps not so intended it will serve some desirable ends.

First: It will assist in familiarizing the legal profession with the use of slang. Slang has, after a more or less lengthy career, now definitely established itself as the language of polite society. The legal profession as a whole can scarcely be said to have kept pace with the times in its accomplished use. Indeed it is not unusual in our Courts to still hear cases conducted and argued by leading counsel without in any marked degree resorting to it. Old Latin phrases occasionally break the monotonous use of old-fashioned English in our legal proceedings, but many a practitioner to-day, while he may perhaps know the meaning of *Magna Charta* or *Habeas Corpus*, would be hopelessly at sea if he were asked to "beat it" or "come across" or to declare the number of "scads" involved in the case at issue. While, of course, not pretending to be exhaustive, the following lines will tend to enrich the ordinary lawyer's vocabulary of slang and bring him more in touch with a clientele of the higher sort.

Second: The Psalms of David and some other portions of Holy Scripture have been put in a new form rendering them easier to chant or sing than the original King James' version. This new form has been a conspicuous success and has been long in use. It cannot be called poetry, but it illustrates the advantage to be gained by using more or less imperfect rhymes as a means of emphasizing and teaching the eternal precepts of divine law. No further plea need be made to establish the desirability of placing

the leading principles, at least, of our legal system in the form of rhymes, so long as the diction of the rhymes is dignified and appropriate. Whatever faults may be attributed to the following verses, it is confidently asserted that they, at all events, cannot be said to render less imposing or in the slightest degree to belittle or ridicule the lasting rules of English justice which they illustrate.

Third: The treatment of cases in verse has a tendency to humanize them. Everyone is interested in a law-suit, not merely for the principle at stake, but because of its effect upon the feelings and pockets of the parties interested. The various prefaces of Sir Frederick Pollock to the several volumes of the Revised Reports beautifully illustrate what law suits may teach us from this standpoint. And rhymes may assist. They are a *human* resort,—children love them.

The verses can do no harm. Reader, if you know all the law and everything else that can be taught from the following cases you will wade through a dry stream, or, to use another Hibernicism, "If its nothing you're looking for, you'll find it in the bottle where the whiskey was."

H. M.

INTRODUCTION.

Genial, witty, wise Horatius,
Wrote as tells our title page,
Deem us therefore not audacious,
Following the classic sage.

Verum dicere ridentem,
Nemo vetat, so he says,
Boldly then we here present 'em
To our sapient public's gaze.

Rhymes may be a little crazy,
Metres not without a flaw,
Where's the harm, so nothing hazy
Clouds our statement of the law.

Crustula, dear Horace calls them,
Little cakes for younglings' jaws,
When the stronger food appals them,
Stuff these in their tender maws.

In our modern poets' pages
Rhyme and reason seldom blend,
But the wisdom of the sages
Here to you in verse we send.

All the old familiar faces
Look upon us through the lines,
Anson's lore and Finch's Cases,
Wealth from all the legal mines.

Read the story of poor Walter,
Told again by Mary Ann,
Till we see the deadly halter
Closing round the murderous man.

CRUSTULA JURIS.

Cook and *Orley*, dear old sinners,
Fight their ancient battle o'er,
Till we fear our longed-for dinners
Will be tasted nevermore.

Dickinson and *Dodds* will meet us,
As they did in days long past,
As familiar friends they greet us,
Tricky both from first to last.

Naughty *Brooks* will drive her carriage
Thro' the streets of London town,
Shadows dark on many a marriage,
You shall here see closing down.

Hampden here his money wagers
On the flatness of the earth.
While the breed of these old stagers
Lasts, of fools there'll be no dearth.

Carlill sniffs her ball carbolic,
Levy sells his worthless gun,
Typhoid fever, worse than colic,
Knocks *Ward's* pigs out, all but one.

Behn and *Burness*, *Lee* and *Griffin*,
Lumley and his rival *Gye*,
Space denies us *Knights* and *Wiffin*,
So I close with *Smith* and *Kaye*.

Come, dear reader, to the banquet,
Taste it all from soup to tart,
Give us not the moistened blanket,
Show us not the marble heart.

WILLIAMS vs. CARWARDINE, 4 B. & Ad. 621.

The night when last alive was seen
A callow youth named Carwardine,
He dined late with a flossy dame,
One Williams—Mary Ann by name.
When some few weeks went drifting by
They found him drifting in the Wye,
So at the inquest with suspicion,
They turned to Mary for admission,
Why came his body in the river.
But Mary swore, without a quiver,
She didn't know, and with a sigh,
"Say, kids, I do not know the Wye."
And then she beat it softly cooing,
"It's nix on me, gents. Nothing doing."
Here let us interrupt our rhyme
To say she knew it all the time.
The dead man had a brother Bill,
Who thought himself a monied pill
Enough to dig down in his hoard
And offer twenty pounds reward
For information that would lead
To jug the one who did the deed,
Or, putting it in better diction,
Procure the guilty one's conviction.
Now Mary had a few resources
That came to her from various sources,
And though the twenty pounds looked good,
She didn't see just how she could,
To help alone her selfish ends,
For twenty pounds split on her friends.
And so she kept the information
Until she got the inflammation

And was pronounced about to die.
How changed is all when death is nigh!
To ease her conscience now she told
A tale to make the blood run cold.
In brief, they pinched a knavish sot
And found him guilty on the spot.
How vulgar, on the death-bed, sounds
"A hundred scads" or "twenty pounds."
With inflammation in the groin,
One thinks of other things than coin;
So then, it's neither strange nor funny
She was not thinking then of money.
But, strange it seems, death didn't get her,
And Mary Ann grew slowly better.
Some friend had sent a patent ointment,
And doomed the "Doc" to disappointment.
Who out of vengeance made a charge
That Mary found exceeding large,
So, when 'twas paid, she looked around
To find she didn't own a pound.
But Mary wasn't often floored,
She thought of Carwardine's reward.
She wrote, "Dear Bill, here's my position,
I have fulfilled the whole condition
That you set out in that there offer,
If you don't pay you've got to suffer."
And this is how "Dear Bill" replied:
"You only told for fear you'd died.
Just keep on writin' till you're hump-backed,
For I'm advised there weren't no contract."
Well, Mary was a dead game sport,
And so she took the case to court
Where it was fought for several years,
While Mary lived in hopes and fears,
Until at last a jury found
That Bill must pay the twenty pound.
But Mary didn't get it yet,

For Bill was going to make her sweat.
He thought it was a rotten deal
And told his lawyer to appeal.
And so appeal the lawyer did,
They always do as they are bid
If they can earn another bit,
And here's the way he argued it:
"My lords, the case can be reduced
To this, the lady was induced
To give up all the information
Because she simply feared damnation
And not because of any promise.
Can she recover money from us?
Now, this, my lords, there is no doubt of,
You must consider Mary's motive."
Then up rose Mary's advocate,
His side in turn the case to state:
"My lords, 'tis true, it does appear
That Mary did it out of fear,
But we can't look in people's minds,
To find out if a contract binds.
So long as she fulfilled the term
Bill's bound to pay and shouldn't squirm."
Chief Justice Denman and his Court
Considered this a wise retort,
And gave their judgment soon for Mary,
Who by this time had grown so weary
Of litigation and the cost,
She'd never cared if she had lost.
However, still and notwithstanding,
This rule of law is yet outstanding,
If such an offer you should spy,
And tell, it does not matter why.

B. W. R.

FELTHOUSE vs. BINDLEY, 11 C. B. N. S. 869.

John Felthouse was a Bangley lad,
With dogs and horses many,
An uncle he in London had,
Who horses hadn't any.

For reasons better known to John,
Than to the now narrator,
Jack had to call an auction on
And part with every "cratur."

His unc. bethought him, "Here's my chance
To make a little money,
And eke it may the joy enhance
To do some business funny."

John offered Uncle Paul a horse,
The price was guineas thirty,
But Paul was not without resource
E'en if his plan was dirty.

"It was not guineas, it was pounds,"
Said Paul, "to you I offered,"
And these the reasonable grounds
On which the horse was proffered.

"Let us the difference split," says Paul,
"And if it suits your pleasure,
Write not another word at all
And I will wait your leisure."

So not another word was writ
On one side or the other,
But to the auctioneer, "with it."
Said Jack, "you must not bother."

Now, there be tricks in every trade.
To make the sale go faster
The auctioneer a blunder made
That threatened sore disaster.

The nag that he seemed plainly bound
For uncle to reserve it,
He trotted out and whipped around
And made him prance and curvet.

And then the loon forgot his cue,
Which was to bid him higher
Than any honest man and true
Dare hope to take a flier.

The fat was in the fire sure,
Old unc. was in high dudgeon,
He tore his hair and cursed and swore,
He'd not be no man's gudgeon.

"My horse is gone, but you shall suffer,"
He said in his asperity,
"The law can make a silly duffer
Repent his rash temerity."

"*Caesarem appellasti*," then,
You shall *ad Caesarem ibis*,
But a sadder and a wiser man
From "*Caesarem*" you'll *redibis*.

Your nephew never told *you*, see,
That you should have the hoss,
He only told his servant, *me*,
To keep it for my boss.

And sure that's how the matter stood,
And here ends my narration,
That an acceptance is no good,
Without communication.

B. R.

**CARLILL vs. CARBOLIC SMOKE BALL CO., [1893] Q. B. D. v. 1,
p. 256.**

Once on a time, the British nation
Was filled with shivering consternation,
Ten million sneezing folk or so
By influenza were laid low.

Their noses dripped, their eyes grew red,
Till half the country took to bed,
The sick groaned loud, the well ones too
In fear lest they should catch the Flu.

Now, on one morning in November,
In ninety-one, if I remember—
Miss Carlill (her old father's pet)
Read in their favourite "Gazette"
An ad. so worded as to calm
All apprehension and alarm,
To wit: a hundred pounds would be
Paid down to any he or she
Who should develop, after buying
And faithfully for two weeks trying
Carbolic Smoke Balls, as prepared
And vouched for by the printed word,
A cold, or snuffles, or should slip
Into the clutches of La Grippe.

She read and ran, nor did she stop
Until she reached the chemist's shop.
Ten shillings paid for this protection
Against the prevalent infection.

And being delicate and scary,
From then till half through January
Three times a day the maid applied
Her little nose, as specified,
And sniffed the harsh fumes of carbolic,
Which, she averred, she found no frolic.

But, ah! alas! one morn in bed,
Miss Carlill woke with aching head,
Burning and dry, yet cold and freezing,
The very house shook with her sneezing,
The diagnosis swift and sure—
’Twas influenza! Drat the cure!

Spring came—Miss Carlill, frail and weak,
Her hundred sovereigns went to seek.
The brutes were deaf to every plea,
“Then will I go to law,” says she.
To law she went and Hawkins, J.,
Declared that she should have her way.

Defendants cried, “Why, that’s a joke,
A hundred quid go up in smoke!
Not by our halidom, we’ll see
What wiser Judges shall decree.”

But Lindley, L.J., said, “She’ll get
The cash. I hold this was no bet.
It was an offer which the lady
By sniffs accepted, and ’tis shady
To argue otherwise—your factum
Sets out that this is nudum pactum,
But plaintiff sniffed the vile carbolic,
(She testifies it was no frolic.)
Three times a day—this inhalation
To my mind forms consideration.

Bowen, L.J., 'tis known, a sage is,
His judgment flows o'er seven pages.
He says in brief, "I have no other
Opinion than my learned brother."

And Smith, L.J., "This Smoke Ball Co.
Have brought no single fact to show
Grounds for success—their gold must fill
The pocket of the fair Carlill.

Mr. Carlill and his daughter,
Supped that night on prawns and porter.

M. E. F.

HARVEY vs. FACEY, [1893] A. C. 552.

"Twas Bumper Hall Pen that they christened the place,
Far away o'er the seas in the isle of Jamaica,
And Kingston's good Mayor looked over the ground,
And said to his Council, "I guess we will take her."

Now Larchin M. Facey, he spoke for the owner,
And he was a-making by railway for Porus,
And so the Town Council a telegram sent,
And that was what led to the trouble before us.

"Will you sell us the place? Name your lowest cash price."
Thus wired the Mayor, or someone did for him,
Clearly business was meant and the Mayor in earnest,
The question was sent by request of the quorum.

Now, mark you the answer, for here comes the trouble,
"My lowest cash price will be nine hundred pounds."
"We will buy at your price" wired Mayor and the Council,
And thus like a contract you all say it sounds.

But jump not too fast: there is room for a quibble,
And the lords of the Council will soon sniff it out,
Did he offer to sell, or perhaps only nibble
The bait that was set for too clever a trout.

Mark his name, for he now says he only was larkin',
No offer was made, he was only in fun,
He gave them his price, it is true, but remember,
Two questions were asked, and he answered but one.

Well was he named "Facey," for never such cheek
Received commendation in British dominions,
And well may we hope we shall live till the day
When the Queen's Council Board will regret such opinions.

For what did he mean when he gave them his price?
If he wanted no trade, he could say so, or then,
At least hold his tongue and not wire a message
With only one meaning for sensible men.

B. R.

BAINBRIDGE vs. FIRMSTONE, 8 A. & E. 743.

Old Bainbridge was a faithful toiler,
Who owned a great big copper boiler.
Perhaps the boiler was of zinc,
Or iron, or steel, but we don't think
That matters much to anyone—
The main thing is, it weighed a ton,
Which old man Firmstone wasn't knowing.
And out of this the trouble's growing.
A man whose name no one can know,
But, just for instance, called Dick Roe,
Said to old Firmstone, on a day,
"What would you think that boiler'd weigh?"
And Firmstone, in his manner, thundered,
"Not one pound more than fifteen hundred,"
As though he knew the whole "shebang."
Said Roe, "By Garry, man, you're wrang.
You may kick my pants from here to Dover,
But I'll swear it goes a ton or over!"
And thus does idle speculation
Lead on to foolish declamation
On subjects not the least important,
As farmers rave for hours exhortant
About affairs in Mexico
And let the crops to Chelsea go.
The arguments of these old stagers
Are very apt to lead to wagers.
And Firmstone, getting somewhat "het,"
Was all impatient for a bet.
Dick Roe, the rogue, was unafraid
(He knew beforehand what it weighed).
He rammed his fingers in his doublin'
And brought to light a "Jim O' Goblin,"
Which Firmstone very quickly covered,
While Dick his guilty knowledge smothered.

Now here the point came somewhat kettle
How they the wager were to settle,
And Firmstone finally said, "Well,
There's only one sure way to tell,"
So up he gets and Bainbridge hails
For leave to weigh it on the scales
That Firmstone had a mile or more
Away; says Bainbridge to him, "Sure
But you must fetch the boiler back,
And put it up upon it's rack
At no unreasonable date,
You understand, I will not wait,
And I don't want the boiler cracked
So see you bring it back intact."
There's often doubt about agreement,
But anyone can see what he meant.
Well, Firmstone's scales were rather small,
And wouldn't hold the thing at all,
He couldn't get the boiler on, hence
Had to weigh it by instalments,
So took it all apart in pieces,
And this is where the humour ceases.
Somehow, when things get started bad,
They keep on going till one's had
About as much as man can bear,
The hoodoo greets one everywhere;
And so old Firmstone got a scorchin'.
The wager was the first ill-fortune,
For when he figured up the sections
Roe ceased to live in his affections.
The cronies that he dwelt among
All laughed to see how he was stung;
The hardest blow he could recall,
He couldn't see the joke at all.
And soon another thing distressed him,
When Bainbridge for the boiler pressed him.

He could not get the parts together,
Some joints had swollen with the weather.
That bet was his complete undoing,
For Bainbridge went the week ensuing
In anger to the Justice fount,
Declaring an assumpsit count.
Page after page and reams on reams,
Beyond the present lawyer's dreams,
"For that the plaintiff" as it goes,
Why spun so long Lord only knows.
(Poor little clerk to whom dictated)
In substance this is all it stated,
In undisfigured conversation,—
Defendant in consideration
That plaintiff let him have the boiler
Had promised that he would not spoil her.
Again, moreover, that he'd bring
In reasonable time the thing
Back to the place from whence he took it,
Whereas, in fact, he acted crooked
And had not brought the boiler back
But kept the same in ruin and rack.
It seems to us that briefly lumps it—
The plea, of course, was non-assumpsit.
Nor is it hard for any mind
To guess how Denman had to find,
Nor to predict old Firmstone's squeal,
Nor still the outcome of appeal.
Of course the whole investigation
Was aimed to find consideration
For Firmstone's promise to return;
And from this case we're said to learn
That our detriment in loaning
Any boiler that we're owning,
Is good consideration for a promise
Not to keep the boiler from us,
A point so simple for debate on,
We think the lawyers had a "skate on."

B. W. R.

SHADWELL vs. SHADWELL, 9 C. B. N. S. 159.

Here, my friends, you see we've got
A Barrister named Lancelot,
Who spite of income scanty, fell in
Depths of love with one named Ellen.

To Uncle Charles he wrote and told
About his love and lack of gold.
Uncle replied, "I do not doubt her
Charms are such that you without her

View life as one wide dreary waste:"
And Lancelot wrote back, in haste,
"Your sympathy indeed is kind,
You seem to grasp my state of mind.

'Wild dreary waste,' Sir, you have said it,
Though short my cash and nil my credit,
I'll wed my fair, and trust that fate
Will grant enough to fill our plate."

Uncle replied: "I'm glad to hear
That you and Ellen Nicholl dear,
Soon form the tie that knows no parting.
I promised to assist your starting—

And I am happy, Lance, to say
That I to you will yearly pay,
Three times fifty pounds until
By your profession you can fill

From foolish will-disputing ninnies,
Your coffers with six hundred guineas,

CRUSTULA JURIS.

Of which your own admission, Sire,
Is all the proof I shall require."

Gay was the wedding, bells were rung,
The harpers harped and flowers were flung.
Coach and white horses, ribbon-tied,
The day was fair, the world was wide,
Off drove our hero with his bride.

No doubt they had their ups and downs,
When Lancelot scowled 'neath Ellen's frowns,
But, on the whole, I'm sure they were
Content as any married pair.

On each and every quarter day,
Kind Uncle Charlie called to pay
The stipend, till twelve years were spent—
And then he stopped; although the rent

And rates and taxes still came round
He did not pay another pound.
I will admit I'd like to know
What made him treat his nephew so.

But human interest is not
What guides the pen of Mr. Scott.
Well, in due course, as all men must,
Old Uncle Charles returned to dust.

And Lancelot, though in mourning raiment,
Brought action for five years non-payment
Of what was promised, so he said,
By the deceased should plaintiff wed.

"Poof!" cried opposing counsel, "fit
Consideration, where is it?
The couple were already bound
To marry ere a single pound

Was offered them." The Court said, 'True
There was a promise twixt the two,
But none twixt them and Uncle Charles—
This straightens out the knots and snarls:

Charles with his Uncle then agreed—
A new agreement this, indeed.
Consideration? He would marry
Forthwith, nor would he longer tarry;
And he did marry—hence our finding
That said agreement's good and binding.

M. E. F.

LEE vs. GRIFFIN, 1 B. & S. 272.

Her eyes would melt a heart of steel,
Those lashes long like fairy lances,
Could make a woman-hater feel
A captive, in the gaze of Frances.

And oh, how dainty was her chin,
And lips were hers all red and ruddy,
That blossomed forth from olive skin—
Her colour scheme was quite a study.

Thus, greatly was her beauty sought,
As must be beauty so bewitching.
It came about, you'll wonder not,
In time she thought she might be hitching.

But Frances had one sore regret,
Her teeth were to a point distressing.
Decayed; within those cheeks inset
She could allow no close caressing.

So Frances made a grim resolve,
At last when they had started aching,
That necessarily would involve
A rather painful undertaking.

To wit: to go to Doctor Lee,
And have them each and all removed,
And with two sets of false ones see
How much her mouth could be improved.

Good Doctor Lee with every care,
Befitting to that dread profession,
Ope'd wide her mouth, smiled at her fear,
And yanked them out in quick succession.

An agony is not the word
Describing such an operation,
But Frances thought it too absurd
Inhaling any preparation.

At last her jaws were feeling fine,
And Frances' tongue was gaily wagging.
Doc. Lee could soon two sets design
To keep her pretty lips from sagging.

For twenty pounds it was agreed,
Her toothless jaws he'd titivate,
So she could scrunch her daily feed,
With teeth as good as any plate.

Ill fortune falls to everyone,
We know not how the cards are shuffling,
So scarcely were the teeth begun
Ere Frances with a cold was snuffling.

And oh, how ready with his hook
Is greedy Death to seize upon
A toothless girl with cold o'ertook,
Ere finding rags to sneeze upon.

Alas! what sad words to relate—
Doc. Lee had scarce the teeth completed,
When Frances left this world's estate,
And toothless near the saints was seated.

Upon her casket lay a wreath,
Which persons said was Doctor Lee's,
And when the body went beneath,
We find him at the obsequies.

For he indeed had cause to mourn,
Of twenty pounds he was not scornful,
And as he of his price was shorn
Of making teeth, why not be mournful?

However, Frances left a will,
And her executor was Griffin.
It seemed she left some money still,
So Lee was for his payment sniffin'.

He filed with Griffin his account,
But, though 'tis strange, yet we must say it.
When Griffin saw this large amount
He didn't feel inclined to pay it.

Said he, "There must be some defence
That to this claim we must be raising.
No teeth were got. It's so immense,
If we must pay it's most amazing."

The Doctor to the lawyer went,
Who did his family advising,
And to that sage his ear he lent
To law that strack him most surprising.

A highly learned light was he,
That family lawyer, known as Patchett.
He quickly pointed out to Lee
Of Frauds that most peculiar Statute.

"On 'goods sold' sure you can't succeed,
The reason, sir? I'll soon explain it.
Without the memo that you need,
The Court, I'm sure, won't entertain it.

On sales of goods more than ten pounds,
A memorandum's always needed,
Signed by the party to be bound—
Our friends, I fear, are sure to plead it."

But, hark, how suitable his name,
In any Court you're sure to catch it.
His way to everlasting fame
Was patch it, Mr. Patchett, patch it.

"To overcome this legal wall,
We'll sue for it as work and labour,
With that there's no such act at all,
And so the law is in our favour."

So did the famous suit commence,
And so were legal swords unsheathing,
The feeling on both sides intense
About those two false sets of teething.

Presiding there was Crompton, J.,
A Judge as sharp as any hatchet,
He was no shallow popinjay,
Who couldn't see the patch of Patchett.

"My friend, I must point out a flaw,"
Said he with air and tone judicial,
"As subject-matter, so your law,
I find that both are artificial."

And so the case went on appeal,
From Crompton, J.'s, adverse decision,
Where ordered there'd be no repeal
Without dissent, much less division.

As Blackburn pointed out the law,
In language clear, and crisp and telling,
There was no labour on her jaw,
The teeth, when finished, were for selling.

And Frances, on the bench above,
In Heaven there sitting, still untoothful,
Unto the Court sent down her love,
And held the Judges' reasons truthful.

B. W. R.

WARD vs. HOBBS, [1878] 4 App. Ca. 13.

The bard recalleth
the rhyme which hath
delighted generations
of infants and dwell-
eth upon the manifold
delights of the
flesh of swine.

To market, to market, to buy a fat pig,
Home again, home again, jiggerty jig.

How much we owe thee, Pig, unbeauteous creature!
Our breakfast bacon, streaked with lean and fat,
Cool, pink sliced ham, pray tell me, Sirs, what
feature

Of any pic-nic overshadows that?

In august, eighteen seventy-five,
Hiram Hobbs was still alive,
Alive and owner 'tis declared,
Of ninety pigs, a noble herd.

One Hobbs, a churl,
selletth forty of his
swine.

Then forty of these pigs he sold,
To Frederick Farmer for much gold,
But Frederick soon returned again,
Crying, "Friend Hobbs, it gives me pain,
To find the pigs extremely ill,
I wish I had not paid your bill.
I'm out of pocket, much annoyed—
I'm sure the beasts have got typhoid.

Hobbs heareth that
the swine he hath
sold are stricken with
a deadly sickness and
straightway sendeth
great numbers to
the public market.

"Ah! Is that so?" said Hobbs, straightwv,
Upon that very self same day
Of little pigs and big pigs too,
He counted out just thirty-two
And sent them off, dishonest wretch,
To sell for what they chanced to fetch.

I fear I must prolong the tale,
To tell conditions of the sale:
"The lots, with all their faults (if any)
Must straight be paid for, every penny,
No credit granted, not worth trying,
Payment is due at time of buying.

The auctioneer no power has got
To guarantee you any lot.
The goods are here for you to gaze on
And what you see is what you pays on.
No compensation can be sought
For faults found after you have bought.

There in the market, bid by bid,
The price ran up—Hobbs soon was rid
Of every pig, and wallet stored
With forty pounds from William Ward.

Ward drove them homeward, but, alas!
They laid them down upon the grass,
Reluctant further to proceed;
A weary task it was indeed,

To herd his purchase—many a curse
Doubtless he breathed—from bad to worse
The poor things grew, ere that long road
Was ended at the Ward abode.

There in his new hygienic sty,
Pig after pig lay down to die,
Till of them all there was but one
Small piglet left beneath the sun.

Ward vowed, "I will have justice yet,
I'll go before good Justice Brett:"
He told his tale with rage and fury
Before a sympathetic jury.

Defendant said "I cannot be
Held blameable, no warranty
Was given at the time of sale
And if the Plaintiff chanced to fail

Defects and errors to discover
Before the auction sale was over,
The loss was his. 'Tis true," he said,
"Altho' the pigs so soon were dead,

One at the market
biddeth for the swine
and payeth much
gold therefor.

The swine falter by
the wayside

The swine perish
miserably.

The buyer of the
swine pleadeth in the
court that his gold be
restored unto him

Hobbs contendeth
against the plea of the
buyer, and lieth as to
his knowledge of the
dire disease.

"I never dreamed they were infected,
In Newbury they were inspected,
And passed by the Inspector there
As fit for any show or fair.

"You've heard the Plaintiff's tale, and yet
He never even called a Vet,
Till all were cold, and so what man
Shall say what time their ills began."

The jury decideth in
favour of the poor
purchaser.

The jury smiled and said they couldn't
See why Will Ward, the Plaintiff, shouldn't
Be paid in full for all the host
Of pigs that yielded up the ghost.

Hobbs taketh his
cause to a higher
court and winneth it.
The poor purchaser
appeals to the great
lords, and wise men
set forth his wrongs.

A verdict of just men, I feel,
Yet straight did Hiram Hobbs appeal.
Once more the pig tale was rehearsed,
The former ruling was reversed,
And Ward, enraged his troubles brought
Before the highest British Court.

Matthew, Q.C., was for appellant,
Quoth he, "This cause is most repellant,
Defendant's conduct most outrageous,
Full well he knew disease contagious

Was rampant his poor swine among,
And yet, sly rogue, he held his tongue,
Acting in manner to deceive
And lead the dealers to believe

The pigs were fit for ham or bacon;
Illegal steps were surely taken
When he sick pigs to market sent
As one on honest trade intent."

Wise Benjamin and Mr. Green,
For the Respondent Hobbs were seen.

But the grave lords, so good and hoary,
Called not upon them for his story.

Earl Cairns, The Chancellor, said, "I fear
This statement binds; the words are here,
Clear as a stream or ice-fed torrent,
The Vendor will not give a warrant:

The Chief Lord
pointeth out the
lamentable lack of a
warranty.

'Here stand the pigs, you may inspect 'em,
They may turn out as you expect 'em,
But if you purchase and detect
Some fault or error, or defect,

That's your look out, the sale's a go,
You have the goods, I have the dough,'
That seems sufficient. 'True, 'tis said,
(Under a subsidiary head)

No pigs were sold, but, if you please,
Naught but a mass of foul disease,
All I can say is, I can't think
A man's identity would shrink

The Chief Lord sayeth
further that a pig
loseth not its identity
as a pig when sore
stricken.

To naught, if fever laid him low—
Man still is man—pig, pig, say I,
Albeit their temperature was high,
Therefore, he sold, we know full well,
Just that which he professed to sell.
Clear was appellant's case set out,
Yet that he fails, I have no doubt."

Appeal dismissed by
the Chief Lord.

Said Lord O'Hagan, "True, for ye,
Appeal dismissed, the word must be."

Lord O'Hagan speak-
eth with the Chief
Lord.

Lord Selborne spoke, "I should rejoice,
Could mine be a dissenting voice,
Yet what I wish must bow before
The majesty of British law.

The third Lord
grieveth sore to abide
by the words of the
First Lord.

M. E. F.

LANGRIDGE vs. LEVY, 2 M. & W. 519.

We have here a law-suit that deals with a gun,
And with Langridge and Levy and Langridge's son,
And the last mentioned lad is the party who won,
So in truth we should call him a son of a gun.

This pawn-dealer Levy for years had in stock,
Some old tuppenny gun that was left there in "hock."
But he called it a daisy in barrel and lock,
And he claimed it was made by the gun-maker Nock.

So when Langridge stepped in from the sleet and the cold
That's the falsehood that Levy at once did unfold,
Langridge wanted a gun for his boy, he was told,
And inside of ten minutes the gun had been sold.

There is little need here to express the delight,
In his home that met Langridge returning that night,
Nor to tell of the scavenger cats put to flight,
Nor the unhappy mongrels that bark and don't bite.

But one day when the boy got the wadding adjusted,
And was firing a pot-shot the darn old thing busted,
As frequently happens with guns that are rusted,
And it mangled his hand. How that young fellow cussed it!

When Langridge the Senior heard sonny boy shoot,
Followed up with a warlike and ear-splitting hoot,
To the scene of disaster he quickly did scoot,
And determined right there he should fetch a law-suit.

For it certainly seemed to him now very odd,
That a gun should explode in a wink and a nod,
And when Levy a rotten old gun had to laud,
It came home pretty straight that he'd done him a fraud.

But Langridge was foxy and knew well the game,
Though he'd sue, he was bound he'd not pay for the same,
And so we may state that is how that it came
That the action was brought in young Langridge's name.

In the Court old man Levy's wrath rose something awful,
Of the rights of the boy he sure did say a jawfull,
And he pleaded an action by him was unlawful,
But the boy had his rights and he stuck out a pawfull.

Baron Parke raised his brow in the mildest contraction.
And he held that the boy had a right to the action,
Levy knew that the boy would be one of the faction
Who victims would fall to his lying infraction.

Though in contracts it's true that if not in the ring,
One is likely to find that one can't do a thing,
Yet the case a good lesson will home to us bring.
In deceit we may find a third party can sting.

B. W. R.

ALLCARD vs. SKINNER, [1887] 36 Ch. D. 145.

Allcard, M.A., was a lady fair,
And a lady of fairly high degree,
Devout and religious beyond compare
And addicted to saintly societee.

Defendant rejoiced in the name of Skinner.
And I fear you'll consider her rightly named,
But suspend your judgment, she was no sinner.
For her piety far and wide she was famed.

Among the *dramatis personæ*,
Was one that I fancy bedecked in a hood,
I picture him lean and lank and bony,
And for this hard world altogether too good.

A priest, the book calls him. His name it was Nihill,
Who says that "*ex nihilo nihil fit*?
He blunders this trip, for there on a high hill
Our clergyman studied the Holy Writ

And from this full source of all true inspiration,
Drew penances, fastings and much saintly lore,
And here he secured from all kinds of temptation
A "sisterhood" piously named "of the Poor."

A "postulant" first and in due time a "novice"
Our pious devoted Miss Allcard became,
Until as she filled each subordinate office
She ranked as a sister of eminent fame.

"But one thing thou lackest," the good priest said,
"Sell all that thou hast and give all to the poor,"
So promptly responds this obedient maid,
With stocks, bonds and bills and debentures galore.

A "Sister" in sooth she became "of the poor,"
Obedient, pious and humbly resigned,
The sisters took charge of her whole worldly store
They owned her *in toto*, soul, body and mind.

But soon she grew tired of her self-imposed task,
And bade them farewell, these good sisters so kind,
She considered their system was only a mask
For a handsomer face that was hidden behind.

"Your prayers and devotions are all right, I know,
And they suit very nicely for half the way home,
But I have a much longer journey to go,
I must bid you good-bye; let them book me for Rome."

But what's to be done with the stocks, bonds and gold?
Debentures and bills that the sisterhood nobbled,
Well, the story is briefly and easily told,
Of the fine patrimony the sisterhood gobbled.

'Twas Cotton and Lindley and Bowen, L.J.,
Who settled the hash for the penniless "Sister,"
And they fixed it all up in so happy a way
That I doubt very much if the sisterhood missed her.

Had she called for her cash when she flew the coop,
The Court would have said that she rightly should get it,
But she waited so long a spell after the roop,
That all she had left to her now was to sweat it.

For five running years she allowed it to stay,
With her mind fully made up she never would take it,
And now 'twas too late, for there's no other way
Than for people to lie in the bed as they make it.

B. R.

PEARCE vs. BROOKS, 1866, L. R. 1 Ex. 213.

I'll tell you the story of naughty Miss Brooks,
As I find it set forth in the Exchequer books.
Her infamous business the better to ply,
It seemed to her good to invest in a fly

Or a brougham, the book calls it, which I take to be.
Some kind of a carriage for one, two or three,
Or more likely for two, since I find it avowed
That while two is good company three is a crowd.

Well, this awful Miss Brooks drove her brougham over London,
And many I trow, the poor wretch that she undone,
For the brougham, don't you see, was so constant in action,
That the good jurors said 'twas her greatest attraction.

And that was the reason why sporty old Bram,
And Pollock et al. say they don't care a dam
If the price was to come from her vile occupation
Or from money she got in some honest vocation,

The plaintiffs well knew when they sold the caleche
And let her get off without paying the cash,
That the thing was desired, as the jurymen say,
As the principal part of the lady's display.

So *McKinnel* and *Robinson*, *Cannon* and *Brice*,
And this *Pearce* and *Brooks* case make it strong as a vise,
If the purpose illegal should be, or immoral,
The Court will not help you to settle the quarrel.

B. R.

TWEDDLE vs. ATKINSON, 1 B. & S. 393.

We sing of wise old William Guy,
Who down a bit is going to die,
The Guy whose daughter, skilled with needle,
Got married off to William Tweddle.

Young Willie was a wise Guy too,
And when he took the daughter, knew
He had a ticket for his lunches—
Old William Guy had seeds in bunches.

The fathers of the pair agreed,
So that there'd not be want or need,
That each would pay from year to year,
A sum to those they held so dear.

They just agreed between the two.
It's said that Willie never knew
The wealth his marriage was to yield
Until the pact was signed not sealed.

A rosy path it was for Willie,
Along he went it willy-nilly;
But now, to carry out our promise
The Lord took wise old William from us.

It dealt young Willie quite a blow
To see poor wise old William go,
Though we must give it as a fact
That he was thinking of the pact.

So Willie's sadness soon subsided,
On finding that the law provided
That after William ceased to live
It bound his representative.

But when it next came round the day,
The latter said he would not pay,
And nothing left was there to do
For Willie but to go and sue.

The judgment didn't suit poor Willie,
In fact he thought it pretty silly.
They said, in substance, "Here, my hearty,
We find you're not the proper party;

Your father made the pact, 'Dog on it'
And he's the one to sue upon it.
To this agreement you're a stranger,
A puppy dog, locked in a manger.

Although it benefited you,
John Tweeddle, he alone can sue."
That great distinction here you see
Of Tweedledum and Tweedledee.

B. W. R.

BETTINI vs. GYE, 1876, 1 Q. B. D. 183.

"Sing a song o' sixpence, a pocket full of rye,
Here's the great Bettini, come to sing for Gye,
Come from far off Milan—all the terms set down,
What he should sing and where should sing,
Outside o' London town.

And furthermore it was agreed
That for rehearsal there was need,
And so the singer promised he
In London town would surely be
Six days, before he should commence
To sing before an audience.

In theatres with pits and stalls,
In drawing rooms and concert halls,
As tenor assoluto he
The star attraction was to be;
He was to let no golden note
Escape the prison of his throat

Except in places fixed by Gye,
(Who sought his purse to guard thereby.)
Unless he travelled fifty miles
Beyond the reach of London's smiles;
And three times fifty pounds be spent
Per month as his emolument;
All was set down and sealed and signed
'Mid words polite and wishes kind.

Sing a song o' sixpence, so goes on the tale,
Best of plans of mice and men oft are known to fail.

Bettini wet by sudden shower, developed heavy chill,
Sore throat, mounting temperature, really very ill.

And having met with this reverse,
He was unable to rehearse,
Or even be in London town
As in the contract was set down,
But four days late he did arrive,
A bit pulled down, yet still alive.

Then said Mr. Frederick Gye,
"The contract's broken, sir, and I
Will not admit you to my stages
Nor pay the stipulated wages."

"Sapristi!" cried Bettini, then,
"What villains are these Englishmen!
Here I this golden voice have bring
In playhouses to duly sing,
In operas to sing and act
To keep my covenants intact.
I to the courts will take my grief
And so perchance obtain relief."

Sing a song o' sixpence, a pocket full o' rye,
Counsel for Bettini heard, and heard for Mr. Gye,
Blackburn, Quain and Archibald, luminaries bright,
Said defendant was in fault and plaintiff in the right.

They said, the stipulation to rehearse,
(It's very hard to put the thing in verse,
There's something gone astray about the feet, sir,
We'll try a little change about the metre.)

Was not a condition precedent.
To go to rehearsal he needn't,
That was not the root of the matter:
(They wasted no time in vain chatter)
They said, from their wise point of view,
In halls and in drawing rooms too,

In theatres great and in theatres small,
The plaintiff must sing at direction or call
Of defendant, and also abstain
From displaying his voice within fifty miles
Of gay London town, its applause and its smiles.

Sing a song o' sixpence, "He was four days shy,
But substance of the contract was not changed thereby:
If defendant suffered, his remedy was clear,
He must file a cross-claim—we can't help him here."

FROST vs. KNIGHT, 1872, 7 Exch. 111.

—
“Come on, my jovial mates, come on.”
And learn what comes of tarrying.
 When once a Knight
 Has given plight
 A lady to be marrying.
“Come on, my jovial mates, come on.”
The parties may be dead and gone,
But there still lives for us to read,
A story it were well to heed.

It seems that one, a Mr. Knight,
(His first name being Marmaduke)
 To Florence Frost
 His young heart lost,
And wooed, and won, and undertook
So soon as from this world of woe
His unrelenting sire should go,
To wed with her, though clad in sable.
 (Once more ‘Twould seem a funeral feast
 Might furnish forth the marriage table).
But, since papa kept hale and hearty,
There was postponement of the party.

Of wonder-workers not the least
Is Father Time. The years crept by,
Within the breast of Marmaduke
The passion which had beat so high,
Paused, ebbd, and finally forsook
Its wonted ways, and he declared
He would not keep his plighted word,
 That, father dead, or father living,
 No marriage ring would he be giving.

To Florence Frost that message came,
 And, as you may suppose,
 Though cold of name,
 A sudden flame
 Of righteous anger rose.

"And does he think, the wretch, that he
 Thus calmly can dispose of me!
 I've waited for him year by year,
 The while my charms grew less,
 Ah, cruel he!—but I will see
 If there be no redress.

 My heart is pierced!" So from the Court
 A sovereign balm the lady sought.

She sought, nor did she seek in vain;
 A satisfactory verdict,
 She did obtain.

 'Twas shown most plain
 That Marmaduke had her tricked;
 But then, to her immense surprise, he
 Responded by a harsh rule nisi,
 By which defendant was released
 Because his dad was not deceased.

Once more her heart was pierced with pain,
 And at the Hilary term again,
 Her tale was told before a meeting,
 Of Cockburn, Byles and Lush and Keating.

Short shrift they gave to Mr. Knight,
 They quoted *Hochster* and *LaTour*,
 And showed by score
 Of cases more.

Defendant wrong and plaintiff right.

(These rhymes assuredly are mixed,
 But if the salient facts are fixed
 In student memories, perhaps
 They may forgive a little lapse).

The case itself is very nice,
And will repay a full perusal,
Showing it never can suffice
In contracts, to announce refusal.

It teaches too, that young affection
Should not be placed without reflection,
That 'tis unwise, nay more, 'tis sinful
Although of love you find your skinful,
To make a wedding and its feast
Contingent on a Pa deceased.

Think upon Knight and what he lost,
By reason of that killing Frost.

M. E. F.

SMITH AND ANOTHER vs. WILSON, 3 B. & Ad. 728.

I.

"Pigs is pigs," it is said. Rabbits follow the rule,
They belong to the same Rooseveltian school.
From the bunny birthometer's frenzied fast buzzin'
Comes the custom—a "thousand" means one hundred dozen.
Thus when pig-headed persons a warren compute,
It is difficult there to avoid a dispute,
As the case that we now have in hand for narration
Will at once freely furnish an apt illustration.

II.

The facts appearing in the case, omitting matters foreign,
Are that Defendant leased to Smith and someone else, a warren.
And with the written words therein a cov'nant also blended,
That he would pay within the month in which the term was ended
The sum of sixty pounds "per thousand" rabbits left within it.
Donating Adam and an Eve with which they should begin it.
And little need was there for more inside that happy Eden,
Where harsh Eugenies never strayed with laws to stop their breedin'.
So here the stage is ready set and now it is required
To raise the curtain on the day whereon the lease expired.

III.

No surprise for the Plaintiffs, well knowing their habits,
To count nineteen thousand and two hundred rabbits.
But Defendant, poor fellow, was sadly astounded
To find how the warren in rabbits abounded.
Quite a fine lot of frolic there'd be for the hounds
But *one thousand one hundred and forty-six pounds,*

To pay out all at once, was a pretty "rum go."
 How to raise all that money he didn't quite know,
 So he puzzled his brain to reduce the amount,
 But the best he could do was to find that the count
 Could be made at a figure that wouldn't quite bust him
 By employing the hereinbefore mentioned custom
 That "ten" calls for twelve. Well, he thought it was splendid,
 And made himself think that he truly intended
 When making the covenant writ in the lease,
 That the "thousands" meant one hundred dozen apiece.
 Now the Plaintiffs were not of the same mind at all,
 So the shades of night fell on a bad English brawl.
 "Would this Wilson the meaning of language distort?"
 "Very well," said the Plaintiffs, "We'll hale him to court."

IV.

The case was tried at summer term by Garrow with a jury,
 The lease was put in evidence which told the Plaintiffs' story;
 And Plaintiffs rested with their case, the lease said "thousand"
 in it.
 So confident were they to beat this Wilson in a minute,
 Then Wilson took the stand and swore with all the tact he could,
 That by a "thousand" in the lease, he always understood
 A hundred dozen, as it meant in all the country side;
 (It pains us here to have to state that Mr. Wilson lied.)
 He never had so understood, and yet the jury thought
 He looked a truthful sort of man and disbelieved him not.
 And as such custom well was known his case seemed pretty sound;
 Not long were they discussing ere a verdict thus they found:

V.

On a rule for a new trial did Plaintiffs embark,
 Before Tenterden, Littledale, Taunton and Parke,
 Where their eminent counsel with great zest submitted
 That the Judge on the trial should not have admitted

Certain statements below that Defendant was making
As to what was the meaning he always was taking
From the words in the lease. Said they, "Why this fighting
When Defendant by parol can't vary the writing,
An agreement that's written by words can't be shaken,
Thus what customs there were should have never been taken."
They harangued the court thus, in a jubilant mood,
Till the others began and for thought gave them food,
For they quickly put Plaintiffs in line for a fall,
When they showed that the words did not vary at all
But explained what the writing was reckoned to mean,
For in view of the custom 'twas plain to be seen
That the word spelled as "thousand" when used in connection
With rabbits, bore somewhat a different complexion.
And Lord Tenterden, Littledale, Taunton and Parke,
Were all soon of one mind that their point hit the mark.

VI.

Be not in haste, dear reader, if the fact you would decry,
That Wilson gained a little point by telling of a lie.
To lie is wrong. We all agree his telling it was raw,
But what's the diff. so doing if it amplifies the law?

B. W. R.

LUMLEY vs. WAGNER, 1 De G. M. & G. 604.

Come, let us chant a piece,
All of a cantatrice,
Johanna Wagner who sang for a King,
Romeo and Purphite
Don Juan Montecchi,
And Robert le Diable and every darn thing.

O, she was a pippin
At throatin' and lippin'
A thoroughbred right from the forelock to hoof,
When she started her singing
And slick buck-and-wingin',
No telling how near she raised hell and the roof.

So a concert man named Lumley
Whose show went so bumly
That he had to do something or go to the wall,
Held a golden banana
In front of Johanna,
And coaxed her to sing in his London town hall.

With her Dutch and his jargon
They patched up a bargain,
Whereby did the cantatrice with him engage
That she'd tickle the British
With song and dance skittish,
Performing nowhere but on Lumley's own stage.

All too soon fair Johanna,
Tied on a bandanna,
And sang in Italian for Frederick Gye,

'Twas a foolhardy movement,
In breach of her covenant,
But ther're not many people that money can't buy.

To the court hastened Lumley,
Where sat the Judge dumbly,
And prayed for injunction to cork up her throat,
And to tie up her dancing
High kicking and prancing,
And cut her engagement with Freddy Gye out.

Johanna's light buoyance.
Gave way to annoyance,
To get so mixed up with the Britisher's rot,
"Ven she sang in old Holland
Id's not so at all und
You sing vere you like and vere not like id not."

Her Lawyer a mudge was,
Who wore a big judge-buz,
And didn't know beans from a pickle of dill,
So he just scrutinized her
Then badly advised her,
To prick up her bristles and answer the bill.

Thus Johanna's contention
Was all his invention,
When you hear it you'll judge that it quickly fell through,
Said the law would not quell her,
Unless also compel her,
To sing for old Lumley which't plainly can't do.

Well, that's just the old story,
Long since white and hoary,
Of leading a horse, but you can't make her drink.
No law'll make a lady
Sing "Rosy O'Grady,"
If she says she won't do it, at least so we think.

But just what relation
This wise cogitation
Had to the said case is a different thing,
And the Court thought it proper,
To put on the stopper
Though it knew that it could not make Johanna sing.

If you're not much admiring
This chant, or it's tiring,
The blame all belongs to the King's cantatrice,
For her crazy "Gyerations"
Have undone our patience,
And so the refrain is injuncted to cease.

B. W. R.

SEATON vs. BENEDICT, 5 Bing. 28.

There are trials and th're trials,
We are now to have shown
The poor lawyer who had a few
Trials of his own.
The young wife too, we'll gently scan,
Of "Benedict, the married man."

A lawyer lived at Twickenham, whose wife was very vain.
And poor indeed the lawyer was, and poor did he remain,
For she was all extravagance to please her vanity,
And fain would dress in silk and lace while he must threadbare be.

He gave her all necessities that woman should demand,
Yet she the hardest creature was that lived in any land,
And picked and pecked at him and made his life a bore;
It mattered not how much he gave, she always wanted more.

(Could ever circumstance endow
A more unhappy life,
Than he who takes the marriage vow
To live with such a wife?)

As time went on it happened so that he could give no more,
And thus refused, the wife, of course, was venom to the core.
So readily it was that she obeyed the Devil's prompt.
And put her shoes and bonnet on and off to Richmond romped.

Where she within a tradesman's store her wardrobe much enlarged,
With goods beyond her station far, and had her husband charged
With ribbons, muslins, laces, gloves and stockings all of silk,
The cost of thirteen pairs of which would buy a whole year's milk.

(Ah, most unhappy man is he
Who lives to pay such toll,
And yet more miserable she
Who lives without a soul.)

The bill came in as bills will do, the husband would not pay,
The tradesman sued, and soon the case was tried by Borrough, J.,
When it appeared the husband never saw the goods she bought
Nor'd given her authority, and ratified it not.

(Why are silk socks if not for show—
An ankle to display?
The husband didn't see or know;
Who did, milady, pray?)

But Borrough, J., got muddled up about some money tendered,
And ill advised the jury who a foolish verdict rendered
In Plaintiff's favour, so Defendant in a little while
Was moving in the court *en banc* to get another trial.

Chief Justice Best and Gaselee, only these two judges sat,
For Parke was at Old Bailey and Judge Borrough on a bat,
The Chief gave his decision after hearing out the case
And the poor misguided tradesman quickly wore a sadder face.

No doubt 'twas his misfortune that he let the goods be sold,
The Court, however, had the rights of husbands to uphold.
As *this* wife was already clothed to quite a high degree,
Her purchase unbeknownst to him did not make agency.

Though true the merchants can't decide these matters at a glance,
Yet men must be protected from their wives' extravagance,
Thus read the Court's decision, and we think it very sane,
So the case went back to Borrough where they had it tried again.

What happened on the second bout we're only left to guess,
But if Judge Borrough sobered up, that's easy we confess.

(O, Brothers, how much joy we'll feel,
When that great verdict comes,
If there's a Court to hear appeal
For some of us poor bums.)

B. W. R.

SMOUT vs. ILBERY, 10 M. & W. 1.

Off sailed Mr. Ilbery
From the dock at Tilbury,
 Bound for China seas.
He planned to have his fortune made
By building up a high class trade
 In spice and fragrant teas.

'Twas in the merry month of May,
That good James Ilbery sailed away
 Upon his quest intent;
But in October came a gale,
It broke the mast and rent the sail
 And overboard he went.

Mrs. Ilbery stayed behind,
A housewife generous and kind
 Now of her brood the head:
She knew no need to stint nor hoard
And so upon her daily board
 Full bounteous meals were spread.

Her income true she never knew,
She deemed her husband well to do,
 Naught had he e'er denied her.
His solvency she did not doubt,
Nor, as to that, did Mr. Smout
 The butcher who supplied her.

He sent the best that he was able,
Good bacon for the breakfast table,
 For lunch perhaps a rabbit;
Fresh sweetbreads, joints, young lamb for stew,
And game, none but the best would do,
 For such had been the habit

Of Mr. Ilbery in past days,
Lavish indeed in all his ways;
But now, alas! alack!
In March there came the dreadful news,
That he had done with earthly dues,
Nor ever could come back.

Mr. Ilbery, true, was dead,
Yet must his family be fed,
So, salmon, soles and trout,
Beef, mutton, veal and Berkshire lamb,
Ducks, turkeys, fowls and Yorkshire ham,
Were sent by Mr. Smout.

Full fifty pounds in good Smout's debt,
Was Mr. Ilbery when he met
His fate so far from shore;
From then till Mrs. Ilbery knew
The cruel truth, the meat bill grew
To nineteen guineas more.

And after she put on her weeds,
The butcher still supplied her needs,
(She paid him twenty pounds.)
She ran the bill up six pounds seven,
Although her husband was in heaven,
She knew, poor soul, no grounds

Why she should stint of butcher's meat,
For all her little flock to eat,
Nor had she learned what duns meant,
Until an awful reckoning came,
The widow wept with grief and shame
To find herself insolvent.

Then went Mr. Smout to law,
And after many days of jaw,
(Old English for 'no peace')

The judges said she should not pay
For meat supplied her since the day
Of Ilbery's decease.

Until the time when she was told,
That her poor spouse was drowned and cold,
For she was innocent,
Of all intention to defraud,
'Twas shown to be the act of God
That ended the agreement.

Of course, for what she'd Fletcherized,
Since of the death she was apprised,
Was due as her own debt;
Thus hard and heavy was the clout
Dealt by the law to Butcher Smout,
He's not recovered yet.

P.S.—It seems, my friends, we have been fooled,
This case has since been overruled.

M. E. F.

MATTHEWS vs. BAXTER, L. R. 8 Ex. 132.

John Barleycorn deserves attention,
That monster of the Deil's invention,
So unremittingly bombarded,
In contracts how is he regarded?

Bill Baxter once upon "a time"
Got "stewed" far worse than he intended,
Bill's spirits feeling all sublime,
His bank account seemed some distended.

Now, all his life one vain ambition,
Held Bill, that grew with every "skate on,"
And itched and chafed like all perdition,
To take a piece of real estate on.

And on this last most merry spree,
Bill's brains got into such a ruction,
They took him off in merry glee
To bid some in at Matthew's auction.

He sobered, still with his desire,
And found the booze had gratified it,
And since the fat was in the fire,
Went right down town and ratified it.

We need not say what came to pass,
When Bill had not a cent for spending,
Suffice, they sued the silly ass,
And he, poor fool, began defending.

Bill pleaded that as he was drunk
When buying, he had bought insanely,
And as of liquor he had stunk,
That Matthews must have known it plainly.

About as good as most defences,
If that described the whole transaction,
For when one acts without his senses
The contract's open to retraction.

But there were other facts to add,
As Plaintiff showed in his reply,
The contract was no longer bad
Since Bill had gone to ratify

The outcome of the case destroyed
A notion that had once prevailed,
That contracts made when drunk were void,
In other words, Defendant failed.

The judgment isn't long to read,
The views expressed are not surprising,
We only note the case indeed
Because the subject's appetizing.

B. W. R.

HENDERSON vs. STEVENSON, L. R. 2 H. L. (Sc.), 470.

Come, all ye students of the law,
And I will tell to ye,
All how Lieutenant Stevenson
Sailed out upon the sea.

It seems he dwelt in Dublin town,
But said, "I will be lavin'
This Emerald Isle for one short while,
And hie me to Whitehaven."

He bid farewell to all his friends,
And just before the start he
Packt up his hats and shoes and spats,
And ate a supper hearty.

Fain was the man to go by rail,
By sea he grew so sick, it
Made him to quail and grow green-pale
To buy the steamboat ticket.

And yet a ticket he did buy,
—A brave man and no craven—
Upon the face of it he read,
"From Dublin to Whitehaven."

He went on board with all his gear,
Behind he left not any,
Clothes overlaid with rich gold braid
Had cost a pretty penny.

But, sirs, the captain of that barque,
By drink was stupid driven,
And sad to say ere dawn of day,
His ship was wrecked and riven.

Her spars broke off like sealing-wax,
The sails were carried over,
The crew was drowned, our hero found
Himself in such a smother

Of surf and weed he could not swim,
Hill high the breakers ran,
He clutched a mast and so was cast
Upon the Isle of Man.

He in a kindly peasant's hut
Was fed and warmed and dried,
Yet from the shock and wounding rock
Was like unto have died.

Anon, we find in June he brought
An action to recover
What he had lost when wrecked and tost
From that steam packet over.

Defendants, on high horses, cried,
"We'll not pay that indeed, sir,
'Tis you must lose, did you not choose
Our notice plain to read, sir?"

On back of every ticket, sir,
You'll find our firm does not incur
The smallest liability
For loss, or injury, or delay

To travellers upon the way,
Thro' lack of due ability
On part of Captain or of crew,
'Tis writ full plain, and we maintain
No damages are due."

"Not so," the good Lord Chancellor cried,
"You cannot thus find grace,
The words you quote were never wrote
Upon the ticket's face.

'Tis plain Respondent never knew
Of any such agreement,
Nor did contract, by word or act,
'Ere he upon the sea went."

Lord Chelmsford said, " My Lords, I can
Have little hesitation,
'Tis plain as day they must convey
Safe to his destination

This passenger whose cash they took,
For service to be rendered,
Who never heard or read a word,
Of what to us is tendered."

Lord Hatherly,—"'Tis shown to us,
The clerk who kept the wicket,
Beyond a doubt, did not point out
The words upon the ticket.

And they were printed on the back,
Unlikely to be seen,
There's naught to show the Court below
In error to have been."

And Lord O'Hagan, from the Isle
That's green and has no frosts,
Said, "Sirs, I feel that this appeal,
Should be dismissed with costs."

M. E. F.

